

# IN THE UNITED STATES COURT OF FEDERAL CLAIMS

## OFFICE OF SPECIAL MASTERS

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HELEN BARNES,

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No. 09-088V

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Special Master Christian J. Moran

Petitioner,

\*

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v.

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Filed: December 18, 2009

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SECRETARY OF HEALTH  
AND HUMAN SERVICES,

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Damages decision based on proffer;

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Guillain-Barre Syndrome (GBS);

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influenza vaccine; award of

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attorney's fees based on proffer.

Respondent.

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Gregory Carl Scaglione, Esq., Koley Jessen P.C., L.L.O., Omaha, NE, for Petitioner;

Rebecca J. Trinrud, Esq., United States Department of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED DECISION AWARDING DAMAGES\***

Helen Barnes claimed that the influenza vaccine, which she received on October 23, 2007, caused her to suffer from Guillain-Barre Syndrome ("GBS"). Ms. Barnes filed a petition on February 13, 2009, seeking compensation for her injuries pursuant to the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300aa-1 et seq. (2000).

Respondent chose not to contest entitlement. Respondent stated that although respondent did not believe that a preponderance of the evidence supported a conclusion that the influenza

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\* Because this published decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

vaccine administered to Ms. Barnes on October 23, 2007, actually caused her GBS, respondent would not expend further resources to contest entitlement. Resp't Rep., filed June 1, 2009, at 6. The undersigned issued a ruling in favor of Ms. Barnes on July 24, 2009.

On December 10, 2009, respondent filed a Proffer on Award of Compensation. On December 14, 2009, petitioner filed a notice accepting respondent's Proffer on Award of Compensation. Based upon the record as a whole, the special master finds the proffer reasonable and that petitioner is entitled to an award as stated in the Proffer. Pursuant to the attached Proffer, with Appendix, the court awards petitioner:

1. **A lump sum payment of \$300,000.00, in a check made payable to petitioner**, which represents all elements of compensations to which petitioner would be entitled under 42 U.S.C. § 300aa-15.
2. **A lump sum payment of \$32,684.00**, in a check made payable to petitioner and petitioner's counsel, Koley Jessen P.C., L.L.O., which represents \$31,309.00 in reasonable attorneys' fees and litigation costs in the amount of \$1,375.00.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment herewith.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

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Christian J. Moran  
Special Master